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CONFIRMATION NO. ATTORNEY DOCKET NO. FIRST NAMED INVENTOR 4370 MPCI-0024 FILING DATE APPLICATION NO. Spiridon Spireas 10/18/2000 09/690,973

> 12/18/2001 7590

Mitchell R. Brustein Woodcock Washburn Kurtz Mackiewicz & Norris LLP One Liberty Place, 46th Floor Philadelphia, PA 19103

| EXAMINER | |
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| WARE, TODD | , |
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PAPER NUMBER ART UNIT 1615

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Examin r | -1 | Application No. | Applicant(s) | | |
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| Todo D Ware Todo | • | 09/690,973 | SPIREAS, SPIRIDON | | |
| The MAILING DATE of this communication appears on the cev r she t with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of time may be available under the previouse of 3 CSF 1.156(s). In coveril, however, may a reply be timely filled Education of time may be available under the previouse of 3 CSF 1.156(s). In coveril, however, may a reply be timely filled If the period for reply specified shows the mailtain statistic predebt will apply and will explice 3 (MoNTHS from the mailing date of this communication. If the period for reply specified shows the mailtain statistic predebt will apply and will explice 3 (MoNTHS from the mailing date of this communication. If the period for reply specified shows the mailtain statistic predebt will apply and will explice 3 (MoNTHS from the mailing date of this communication. If the period for reply specified shows the mailtain statistic predebt will apply and will explice 3 (MoNTHS from the mailing date of this communication. If the period for reply specified shows the mailtain statistic predebt will apply and will great a specified on the communication of the mailtain statistic of this communication. Status Status Responsive to communication(s) filed on 21 November 2000. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-89 is/are pending in the application. 4) Claim(s) 1-89 is/are pending in the application. 4) Claim(s) 1-89 is/are allowed. 5) Claim(s) 1-89 is/are allowed. 6) Claim(s) 1-89 is/are allowed. 6) Claim(s) 1-89 is/are allowed. 7) Claim(s) 1-89 are subject to to strict any objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The propo | Office Action Summary | Examin r | Art Unit | | |
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| THE MAILING DATE OF THIS COMMUNICATION. - Edealosing of time may be surplished under the provisions of 3 CPR 1.15(6). In no event, however, may a reply be timely filed able SV (6) MOXITS from the making date of this communication. - Edealosing of time may be surplished under the provisions of 3 CPR 1.15(6). In no event, however, may a reply be timely filed able SV (6) MOXITS from the making date of this communication. - Failure to reply visition this best or extended principle within the studient preliated begin about 10 to the communication. - Failure to reply visition the set or extended principle within three manning date of this communication, even if timely filed, may reduce any Status. 1) | | | | | |
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-23 and 78-79, drawn to a dosage form comprising a thyroid hormone prepared under conditions of low compression, classified in class 424, subclass 464.
 - II. Claims 24-70 and 80-87, drawn to a dosage form comprising a thyroid hormone admixed with a substantially non-volatile, pharmaceutically acceptable oil, classified in class 424, subclass 451.
 - III. Claims 71-77 and 88-89, drawn to a dosage form comprising a thyroid hormone and a hydrophobic powder, classified in class 424, subclass 464.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. Group I avoids moisture induced degradation through preparation under low compression and Group II avoids moisture induced degradation through incorporation of oil.
- 3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In

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the instant case the different inventions have different modes of operation. Group I avoids moisture induced degradation through preparation under low compression and Group III avoids moisture induced degradation through incorporation of hydrophobic powder.

- 4. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. Group II avoids moisture induced degradation through incorporation of oil and Group III avoids moisture induced degradation through incorporation of hydrophobic powder.
- 5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, nor is the search for Group I required for Group III, and nor is the search for Group III required for Group III restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd D Ware whose telephone number is (703) 305-1700. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor. Thurman K Page can be reached on (703)308-2927. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and (703) 308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

tw December 15, 2001

> THURMAN K. PAGE SUPERVISORY PATENT EXAMINER TECHNOLOGY CEAPER 1600